



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DENISE G. TIERNAN,

Civil Action No.:
08-CV-1633 (SHS) (AJP)

Plaintiff,

STIPULATION

-against-

Stein, J.
Peck, M.J.

CONTROL BUILDING SERVICES, INC., SIMON
PROPERTY GROUP, INC. and SIMON PROPERTY
GROUP, L.P.,

Defendants.

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IT IS HEREBY STIPULATED AND AGREED, by and between
ALPERT & KAUFMAN, attorneys for plaintiff Denise Tiernan,
and SIMMONS, JANNACE & STAGG, L.L.P., attorneys for
defendants, that the plaintiff's known damages, including
but not limited to, pain and suffering, personal injury,
medical expenses, loss of earnings and/or any other special
damages relating to the alleged accident of May 26, 2007,
which forms the basis of this lawsuit, shall not exceed the
sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

IT IS HEREBY FURTHER STIPULATED AND AGREED, that
should plaintiff allege any new injuries or damages, in
addition to and beyond what are currently known and/or
contemplated, that could in good faith raise the value of
this case beyond \$75,000, defendants will have thirty (30)
days from receipt of plaintiff's notification of same to

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remove the case from Supreme Court of the State of New York, County of Bronx to the United States District Court, Southern District of New York without objection from plaintiff.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that in exchange for the above, defendants consent to keep this case in the Supreme Court, State of New York, County of Bronx with the above-referenced limitations in place and not to remove it to the United States District Court.

Dated: Syosset, New York
May 2, 2008

SIMMONS, JANNACE & STAGG, Alpert & Kaufman
L.L.P. Attorneys for Plaintiff
Attorneys for Defendants

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GARY SLOBIN
(646 6339)

The Clerk of Court is directed to
~~remand~~ ~~this case~~ to the Supreme Court of the
State of New York, County of Bronx on the
consent of the parties. The May 23
5/21/08 conference is
cancelled.

[Signature]
U.S.D.J.